SEVEN OPINIONS HANDED DOWN

Supreme Court of Appeals Confirm Decree of City Chancery Court.

JUSTICE GOES TO PRISON

A Contract for Sale of Timber Frocured By Fraud Declared Null and Void.

Swanson on Thursday, no opinious were handed down. The Supreme Court however, handed down seyeral important opinions on yesterday of which was an appeal from the Chancery Court of Richmond.

The case of Bellenot vs. Laube's executors, in which Judge Harrison delivere the opinion, arose in a controversy over 400 and 411 West Broad Street.

4:9 and 4II West Broad Street.

This property was owned in 1862 by Robert Ellett, who on the 5th of November in that year conveyed seventy-two feet fronting on the southwest corner of Broad and Monroe Streets to Creed Thomas; twenty-nine feet from Immediately on the west of the Thomas lot to M. Nenzel, described as being bounded on the west by the property that day

or do her any damage of which she can omplain, and that the decree properly djudged, the old party wall being in-unificient to support such a building as he contemplates building on Ne_1ot, hat appellant has the right to pull down of the appellers (Laubes executor, &c.) in and to the new wall shall not be in-creased or diminished by such recon-struction, and provided further that ac part of the new wall shall occupy a greater portion of the land of appellers than the all search. than the old party wall now occupies.

There is no error found in the decree appealed from and it is affirmed.

secured from Lee authority to sell the standing timber of \$44 acres of land in Nottoway county, for \$2,000.

After some time Patillo approached Lee and told film that the price was too high, but that he thought he could get \$1,500, to which price Lee agreed. Patillo did not dispose of the timber, but again approached Lee, telling him that he could get \$1,200 for the standing timber, and get \$1,200 for the standing timber, and open Patillo assuring Lee that he would

The court holds that the contract is void by reason of the bad faith of the defendant (Patillo), and orders that Cobb and Richardson pay the \$2,000 to Lee, less \$250 comparisoners.

Justice of Peace.

In the case of Charles H, Robinson, the Warwick county justice of the peace, con-victed in Warwick Circuit Court of em-bezzlement and sentenced to serve one year in the ponitentiary, the Supreme Court sustains the judgment of the trial

Court sustains the judgment of the trial court.

Robinson was a justice of the peace of Newport magisterial district, which horders Newport News. On August 14, 1994, he issued a warrant on complaint of John A. Williamson, acting chief of police of the county, for Charlie Sacriensce, charging him with creating, a nuisance by bathing in a nude condition in James River, between "Dawson City" and "Klondike," in Warwick county. The warrant was executed and Sacriensce deposited \$5 as security for his appearance on the next day (Monday). Upon his failure to appear the justice entered a fine against him of \$5; and it is this money he was convicted of misappropriating.

Judge Keith handed down the opinion of the court. He shows that under section 723 of the Code, the duty of a justice of the peace, in the matter of the disposition of fines received by him, is fixed—i. e., he must pay the same, together with the costs, within thirty days, to the clerk of the court of his county or corporation. By that statute he forfeits twenty dollars for failure to make such payment. But, it is said, he was not prosequited under that section, but under section 3717, which provides for the punishment of an officer having custody of public funds, for knowingly misusing or misappropriating them, and the indictment based upon section 3717 was therefore sufficient.

It is also held that a juror was com-



impartial trial without reference to what he had heard. The court cites as author-ity for its decision on this point the Mc-

In the case of French vs. Vradenburg, from the Circuit Court of Mathews coun-ty, the opinion is by Judge Stafford G. Whittle.

There is no error found in the decree appealed from and it is affirmed.

Bellnot's Case.

In the case of Lee vs. Patilio, from the Circuit Court of Nottoway county. Judge Whittle delivered the opinion.

The case came before the court as are appeal from a decree dismissing the bill in a suit in equity, brought by Lee to rescind a contract made with Patillo, on the ground of fraud.

The facts in the case are that Patillo on the ground of fraud.

The facts in the case are that Patillo secured from Lee authority to sell the standing timber of \$44 acres of land in Nottoway county, for \$2,000.

After some time Patillo approached Lee and told him that the price was too bigh, but that he thought he could get from the foot-board and roll down the

Contributory Negligence.

Railway Company, from the Corporation
Court of Alexandria, the decision in the
Supreme Court, as it was in the court
below, is for the railway company,
While engaged in trucking freight between the cars and the depot at Alexandria Fewell one of a craw of trucking

dria, Fewell, one of a crew of truckman, was injured by the truck with which he was working, striking a defective corner of one of the boards used as bridges between the car and platform, causing him

was injured by the truck with which has was king, striking a defective corner of one of the boards used as bridges between the car and platform, causing him to fall on the platform.

Judge Harrison, writing the opinion of the court, admits to be true the theory of Fewell, that the defective board caused the accident; but says that the evidence shows that it was the duty of Fewell and his fellow-servants to select the board and put it in position for use; that the defendant company always kept a supply of good boards on and, readily accessible to the truckmen for whose use they were intended, and that there was a supply on hand on the morning of the accident. It is therefore held that the injury was due to the negligence of Fewell or of bis fellow-servants, and the supply of good boards on and, readily accessible to the truckmen for whose use they were intended, and that there was a supply on hand on the morning of the accident. It is therefore held that the injury was due to the negligence of Fewell or of bis fellows served. that the injury was due to the negli-gence of Fewell or of his fellow-servants in selecting for their use a defective board, and that the rallway company cannot be held responsible.

New Trial.

Another rallread case is that of Nor-folk and Western Rallway Company vs. Bell, from the Circuit Court of Campbell county, in which the company obtains a reversal of the judgment of the trial

the costs, within thirty days, to the clerk of the court of his county or corporation. By that statute he forfelts twenty dollars for failure to make such payment. But, it is said, he was not prosequted under that section, but under section 3717, which provides for the punishment of an officer having custody of public funds, for knowingly missing or misappropriating them, and the indictment based upon section 3717 was therefore sufficient.

It is also held that a juror was competent to serve who testified on his voir dire that he had said: "Charley Robinson dorf want me to sit on any jury that tries him, and would know that he is a sone if I sit on any jury that tries him, and would know that he is a sone if I sit on any jury that tries him, but that he meant that if the evidence was as strong in this case as it was in the one before the grand jury on which he sat when Robinson was indicted before, he would convict him; and further forc, he would convict him; and further force, he would convict him; and further force the first of the further force of the gauge used on the Southern Rall-will and the further force of the gauge used on the Southern Rall-will and the further force of the gauge used on the Southern Rall-will and the further further force in the further further force, he would convict him; and further force and the further force of the gauge that further force is held by Judges Buchan. and "absolute salety as working."
This evidence is held by Judge Buchanan's opinion to have been improper, both because it is not competent to show that

the different methods or appliances of another master are better than those of the defendant, and because the endorsement on the blue print and statement in the paper were mere hearsay statements. It is said that a winesse having sufficient knowledge of the subject may testify as to the general practice of masters, and the comparative safety of different methods or appliances; but a party should not be judged to be negligent for not conforming to some other method, or for not using some other method, or for not using some other appliance believed by some to be less perions.

No comment is made upon the instructions objected to further than 10 say that instructions should state, not abstract, propositions of law, but the law as applicable to the particular facts which the evidence tends to prove.

The judgment is reversed and the case remanded for a new trial.

Summary.

By James Keith, president, Robinson Vs Commonwent in Circult Court of

By James Keith, president, Robinson vs. Commonwealth, Circuit Court of Warwick county, Affirmed.

By Judge John A. Buchanan, Norfolk and Western Railway Company vs. Bell. Circuit Court of Campbell county, Reversed.

By Judge George M, Harrison, Bellenot vs. Laube's executor, etc. Chancery Court of city of Richmond, Affirmed, Fewell vs. Southern Railway Company, Corporation Court of city of Alexandria, Affirmed.

By Judge Stafford G, Whittle, Southern Ray Judge Stafford G, Whittle Southern Ray Judge Stafford G,

Affirmed.
By Judge Stafford G. Whittle. Southern Railway Company vs. Patterson. Circuit Court of Pittsylvania county. Affirmed. Lee vs. Patillo. Circuit Court of Nottoway county. Reversed.
French vs. Vradenburg. Circuit Court of Mathews county. Reversed.

Of Mathews county. Reversed.

Petition for Appeals, Etc.

Ellison vs. Commonwealth. Circuit
Court of Washington county. Writ of
error refused.

First National Bank of Danville vs.
Stuart Manufacturing Company. Circuit
Court of Patrick county, Appeal refused.

Flanary et als. vs. Mullins et als. Circuit
Court of Dickenson county. Appeal
refused.

Cumming vs. Jones et als. Circuit
Court of Warwick county. Appeal refused.

American Can Company vs. Common.

American Can Company vs. Common-Rehearing refused.
Standard Oil Company vs. Common-wealth, State Corporation Commission, wealth, State Corposition Commission.
Rehearing refused.
Hoover vs. Saunders, Corporation Court of city of Newport News, Rehearing refused.

BARTON HEIGHTS

ielen Sipp.
Third Primary Grade, First Honor-Maude ound, Second Honr-Alice Crutchfield, Emma oddin, Pearl Harding, Virginia Peyton, Gracie urner and Douglass Roden.

ELICO ECHOES

Thomas Fisher, of Petersburg, is visiting his mother, Mrs. V. E. Adams.
Frank Kahl, of Richmond, was a recent guest of his parents, Mr. and Mrs. R. E. L. Kahl.
Mrs. Robert L. Durrett and little daughter, of Fort Lee, visited Mrs. A. R. Fisher during the past week.
E. J. Furman, of Petersburg, visited his family during the week.
Miss Annie Dunnavant.
M. E. L. Kahl has roturned home from a pleasant visit to friends in King and Queen county.

HIGHLAND PARK

Mra. P. D. Small, of Fifth Avenue, who has been quite ill for some time, continues to improve.

The King's Daughters will hold a meeting to-day at the residence of Mrs. Lear's, Highland Park.

Mr. Satterwhite, of Fourth Avenue, who has been confined to the house by sickness for the past week, is able to be out.

Cards have been issued to the marriage of Mr. J. Clayton Bowman and Mrs. Sarah Burch. The ceremony will take place Wednesday, February 7th, at 1:30 o'clock.



PASSES HOUSE

Measure Adopted By a Large Majority After Quite a Splendid Debate.

PRINT GOVERNOR'S ADDRESS

Resolution Passed for this Purpose-New Senator From Halifax Arrives.

The Legislature got back to busines resterday after the Inaugural festivities, and did a good deal of important

from Hallfax, Honorable H. O. Kerns large number of contested bills on the calendar, and considered some other arge number of bills were offered and

referred.

Almost the entire session of the House was consumed in the consideration of the Rew bill, making a close season in taking crabs from the waters of the State from October to April, and it was finally passed by a vote of 59 to 8.

A resolution was adopted, providing for the printing of five hundred copies of Governor Swanson's inaugural address for distribution. for distribution.

THE SENATE.

The Senior Body Passes Sixteen Bills-New Halifax Senator.

reception of the new senator from

Want More Cemeteries.

Want More Cemeteries.

An unsuccessful effort was made by Mr. Sale, of Norfolk, to call up out of its order his bill designed to provide additional cemetery facilities for Norfolk, where it is said the cemetries are so crowded that it is almost impossible to secure a place for the burial of the dead, One or two Senators indicated that they would oppose the bill unless some provisions were made in it for damages to property-owners, the value of whose property-owners, the value of whose property of a cemetery. Conferences were held, and Mr. Sale let the matter go by for a day.

Upon motion of Mr. Sale, seconded by Mr. Lassiter, of Petersburg, the Senate adjourned out of respect to the memory of Colonel A. M. Hagnes, the ranking officer in the militia of Virginia, who died suddenly Thursday night in Norfolk.

Bills Passed.

Bills Passed.

No. 5-To prohibit cities and towns imposing or enforcing certain punishments.
No. 13.-Authorizing and directing the Auditor of Public Accounts to accept from county and city treasurers of the Commonwealth, all money collected by such treasurers as poll taxes under orders of courts, since the 1st day of July, 1993.
No. 31-To amend and re-enact section 1423 of the Code of Vision. No. 5-To prohibit cities and towns im-

July, 1903,
No. 31—To amend and re-emact section 1423 of the Code of Virginia.
No. 35—To authorize the School Board of Christiansburg District No. 4, of the county of Montgomery, to borrow money, No. 39—To amend and re-enact clauses 7 and 39, chapter 5 of an act concerning corporations,
No. 42—To provite of what protest shall evidence.

Lee Magisterial District, Accomac county, to borrow money.

No. 77—To amend and re-enact section 44 of an act entitled "an act to raise revenue for the support of the government and the public free schools and to pay interest on the public debt, etc.

No. 33—To amend and re-enact section 3232 of the Code of Virginia.

No. 113—To provide for and to validate court proceedings in certain cases concerning roads.

No. 123—To amend an act to provide places of abode for the safe custody and proper guardianship of children who are

places of abode for the sate custory and proper guardianship of children who are victous or depraved. No. 137—To amend sections 412, 420 and 421 of the Code of Virginia. No. 138—To amend and re-enact an act



DELEGATES L. J. HALEY AND H. R. HOUSTON.

with President Ellyson on the rostrum. Prayer was offered by the Rev. Dr. E. N. Callsch, of Beth Ahabah Congregation, who made touching reference 12 the sudden death of Senator Harvey L. Garrett, whose vacant desk, draped in black, was a conspicuous object in the Senate charper. Committee reports were very was a conspicuous object in the Senate chamber. Committee reports were very brief, practically he meetings having been held on inauguration day. A resolution offered by General Anderson, of Richmond, fixing the daily sessions of the Senate at 11:30 o'clock, instead of at noon, as heretofore, was adopted. The new senator from Halifax, Mr. H. O. Kerns, elected on Tuesday, was received. new senator from Halifax, Mr. H. O. Kerns, elected on Tuesday, was received and sworn in. A number of new bills were introduced, and the calendar was then called. Upon motion of Judge Mann, under a suspension of the rules, the Finance Committee was discharged from further consideration of the Lincoln bill, providing for the establishment of a dispensary at Abingdon, and the bill was dismissed, this disposition of the measure being satisfactory to its patron.

dismissed, this disposition of the measure being satisfactory to its patron.

Among the bills passed were the two official acts drawn by Judge Dew, second auditor, extending the time limit for funding the old debt and providing a plan for the gradual extensishment of the Virginia public debt of over \$25,000,000. As chairman of the Finance Committee and patron of the bills, Mr. Wickham, of Hanover, explained the purposes of the measures and asked that they be adopted, indicating at the same time that other

Hanover, explained the purposes of the measures and asked that they be adopted, indicating at the same time that other bills, perhaps making a specific appropriation for the purchase of outstanding Virginia bonds, in accordance with the recommendations of the executive, would probably be offered. Complex principles of high finance were discussed in the half for some time.

As set forth by Mr. Wickham, the chief provisions of the efficial act were two in number. Some years ago it was deemed advisable in order to meet pressing needs to transfer to the current assets of the State the dividends (fön the Virginia investments in the Richmond, Fredericksburg and Petersburg Rallfond, amounting to \$42,000 a year. This sum had been used by the Slaking Fund, but was placed in the treasury so that the State might have a "live" asset to avail itself of in times of stress. The need for this money in this way has happily passed and the act provided that the money be now turned back into the Slaking Fund for the purchase and cancellation of bonds. It is further provided, 43 at the Sinking Fund Commissioners shall be empowered to use cac hyear as much as 60 per cent, of the unexpended surplus. This surplus can be used only after all appropriations have been made and a sum for emergency demands has been set aside by the financial officers of the State If they shall deem such a precaution necessary. Thus empowered, Judge Dew has calculated that with the diversion of the portion of the surplus, the use of the Sinking Fund.

17 of an act to provide for the settle-ment of the public debt. Bills Offered.

By Senator Holt: To provide for the repair, construction and permanent improvement of the public roads and hedges of Newport Magisterial District, in the county of Warwick, to authorize the Board of Supervisors of said county to borrow money therefor by the issue of bonds and to against accidents on the rail due to
the incompetency of train dispatchers,
By R. E. Peyton, Jr. (by request)—To
amend and re-enact certain sections
of the Code in relation to a revenue
act to provide a special tax for pensions,
By E. W. Gaines—To regulate the manufacture and sale of patent and pro-

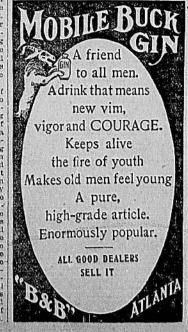
sald county to borrow money therefor by the issue of bonds and to create a commission to have charge of the proceeds of the sale thereof and to submit the question of issuing bonds to the freehold voters of sald magisterial district.

Y Senator Garrett: To provide for the establishment of libraries in the public schools of the rural districts.

Y Senator Phiegar: To amend and reenact section 58 of an act entitled "An act to put into effective operation the provisions of the new Constitution relating to the State Corporation Commission." Relates to proceeding against corporations falling to comply with charter.

Y Senator Salder: To amend and reenact sections 54 and 55 of an act entitled "An act to raise revenue for the support of the government." Relates to licenses of land agents.

By Messrs. Barrett, Barham and others-



House Hears Argument and Then

....Shirt Sale.

\$1.50 Shirts Now \$1.15

\$2.00 Shirts Now \$1.45

\$2.50 Shirts Now \$1.69

Meyer Greentree,

"For Men's Wear."

Senator Campbell (by request): To provide for the erection of a statue of Matthew Fontaine Maury on the Capitol Square.

PASS REW BILL.

Takes Final Action.

les, etc., but the motion was lost. The Rew crab bill came up on it passage, and after a preliminary skir-mish, its engrossment was reconsidered, and Mr. Houston recognized to speak against it.

The member from Hampton, creat

Passed in a Whirl.

Offered and Referred.

facture and sale of patent and pro-prietary medicines in the State of Virginia.

To define and regulate fraternal beneficiary associations, orders or socleties.

J. R. Catou—To amend and re-enact section 2 of an act in relation to the issuance of charters by the State

country road. By Mr. Spessard-To amend section \$34 of the Code, as to supervisors.

By Messrs, Glenn and Swift—To provide
for the erection of a statue of Matthew Fontaine Maury on the Capitol
Source

Manhattan

the judges of the circuit courts in cities having over 40,000 population and a separate clerk for said circuit court to make an annual allowance for such clerk, etc.

By Mr. Bland—To amend the act in relation to salaries, mileage and other allowances, approved March 12, 1904.

By Mr. Peyton—To amend section 189 of the revenue act as to the tax on slot machines.

By Mr. Green—To amend the revenue act as to lawyers' licenses.

By Mr. Slaughter—To provide for working and repairing the roads and bridges of Culpeper.

Takes Final Action.

Rev. IX. Y. Barber, of Gloucester county, oftered prayer in the House, and the deliberations of the body were presided over by Speaker Cardwell. The attendance of members was very slim, and there were but few visitors.

On motion of Mr. Caton, the House ordered one thousand copies of Governor Swanson's inaugural address printed for the use of the members.

ing and repairing the roads and bridges of Culpeper.

By Mr. Ould—To amend section 525 of the Code, in relation to the fees of commissioners of the revenue.

By Mr. Johnston—To repeal the act to incorporate the town of Bangs, Montgomery county.

By Mr. Caton—To amend the act providing for the collection of taxes in arrear, and appearing in Pollard's Code, section 492.

FAIRMOUNT NEWS

Mrs. J. C. Mallory, who has been confined her home in Twenty-fourth Street, is now

HIGHLAND SPRINGS

y Mr. Réad-To prohibit railroad companies from employing as telegraph operators any person under eighteen years of age, and to require examination of same. The measure is designed for the protection of the public against accidents on the rail due to the incompetency of train dispatchers, y R. E. Peyton, Jr. (by request)-To amend and re-enact certain sections of the Code in relation to a revenue act to provide a special tax for pensions.

y E. W. Gaines-To regulate the manufacture and sale of patent and proprietary medicines in the State of the companies of the Code in relation to a revenue act to provide a special tax for pensions.

Gase. Miss Ruth Atklason, of No. 508 Grace Street, Miss Ruth Atklason, of No. 508 Grace Street, Richmond, visited the home of her parents, Mr. and Mrs. Junius Atklason, on Sunday. Dr. S. A. Roope, of "Lynnhurst," who was quite sick during the past week, is now much improved.

quite sick during the past week, is now much improved.

Miss Lilliam Chester Austin, of Beechwood Park, left on Friday over the Chesapsake and Ohio Railroad for Toledo, O., to visit friends and relatives of her former home, before making her permanent home in Virginia.

M. Yan Norman, whome in Virginia from the Richards, has moved his family on the Nine Elle Road up above the switch, and Mrs. Willie Rudolph have the sympathy of the community in the loss of their little baby, Gladys, who was buried on Sunday afternoon.

LEE DISTRICT

y Messrs. Barrett, Barham and others—
To amend and re-enact section 3819
of the Code, to read as follows: "If
any person by playing or betting at
any game or wager elsewhere than at
a public place, win or lose money or
any other things of value, he shall
be punished by a fine of not less than
\$5 nor more than \$50, or by confinement
in jall not exceeding thirty days, or
both, at the discretion of the court or
jury." Dr. and Mrs. Clarence R. Sherman, of Chicago, are spending the winter with theis daughter. Mrs. W. A. C. Pettit, No. 1813 Han-over Avenue. both, at the discretion of the court or jury."

By W. E. Barrett—To amend and re-enact section 2485 of the Code, in relation to lien of employes of transportation companies on franchises and property of said companies.

By Mr. Pettlit—To provide for working the convicts at the State farm on public roads within the limits of the State farm, in the county of Goochland, and for the construction of and maintaining as an exhibit of a good country road. r Avenue.

Itsess Nannie B. and Hanche E. Palmer, of
419 North Elm Street, attended a house
ty, given last Wednesday night by Mrs.

In W. Miller at her country home, which
has recently purchased and moved into
Chestorifold county.

Itses Bertha Laus, on eather spending two
bits with Mrs. Morris M. Elseman, No. 1801
mover Avenue.

Hanover Avenue.

Mr. L. Willard Lane and family, of Ashland.
Va., are spending the winter in Riehmond with Mr. and Mrs. Frank L. Krantz, No. 303
Allen Avenue. Va., are spending the winter in Richmond with Mr. and Mrs. Frank L. Krantz, No. 392 Allen Avenue.

Mrs. William Miller entertained the Grove Avenue choir delightuilty last Thursday night of the Mrs. Arc. C. A. Miller. No. 130 West Avenue.

Mr. Walter D. Thomas is having a fine residence built on Hanover Avenue.

Miss Saide Hill has returned to her heme in Norfolk. Va., after visiting Mrs. Thomas B. Harrison. No. 611 North Eim Street.

Mrs. R. L. Blackwood, of No. 1117 Park Avenue, is spending some time with her mother. Mrs. R. Blackwood will leave this week for Mrs. Charleston to remain about a week and return with her mother.

Mrs. Moses C. Syels, of No. 130 Hanover Avenue, such a series of the Mrs. Aller Saide Residence of Religions of Religion. No. C., and Miss Ethel Kite, of Raleigh, N. C., and Miss Ethel Kite, of Stanley. Va., spent several days last week with Mr. and Mrs. F. L. Koonts, on Alles Avenue.

Miss Kate Cannon, of Norfolk, Va. is visiting Mrs. John Garland Pollard, No. 160 Hanover Avenue.

Miss Estella Dewains, of Washington, D. C., Miss Estella Dewains, of Washington, D. C.

thew Fontaine Maury on the Capitologuere.

My Mr. W. W. Old, Jr.—To amend an act to authorize and require supervisors of any county to levy a tax on property in such school district, etc., approved January 12, 1904.

To amend section 1485 of the Code, as to school districts.

By Mr. Jennings—Resolutions of the board of tyacholurion for the bill prohibiting running of trains on Sundays.

By Mr. Pullor—To amend the act approved February 37, 1904, authorizing

IMPORTED BEER ON DRAUGHT